

7-01-03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re patent application of: A. ROBERT SPITZER

Serial No.: 10/056,734

Filed: January 25, 2002

For: SYSTEM AND METHOD FOR RECTAL ADMINISTRATION OF MEDICATION
FOR TREATMENT OF MIGRAINES

Attorney Docket No.: 0594.00034

Mail Stop Fee Response
Commissioner for Patents
P.O. BOX 1450
Alexandria, VA 22313-1450

RESPONSE

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GROUP 3600

Dear Sir:

This is in response to the Office Action dated May 7, 2003, Paper No. 4. Applicant hereby petitions for a one-month extension of time within which to respond to the outstanding Office Action. Granting the petition would extend the time for filing the Response to July 7, 2003. The appropriate petition fee of \$55.00 is enclosed herewith.

Under 35 USC §121, Applicant is required to elect a single disclosed species for prosecution on the merits to one of the following Groups:

- I. Claims directed towards Figures 1 and 2;
- II. Claims directed towards Figures 3 and 4;
- III. Claims directed towards Figure 5; and
- IV. Claims directed towards Figure 6.

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Applicant hereby provisionally elects, without traverse, species III, which is directed towards Figure 5. More specifically, the claims readable on Figure 5 are claims 22-27 and 30. Applicant hereby conditionally withdraws Groups I, II, and IV as set forth in Figures 1-4, and 6 from prosecution, without prejudice, and requests reconsideration of the species election.

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Applicant believes that the claims identified are consistent with the Examiner's request for identification of claims for which the election of Group III (i.e., Figure 5) would apply. Applicant asserts that all of the claims are compatible with Group III. Applicant expressly reserves the right to file divisional applications directed towards the non-elected subject matter.

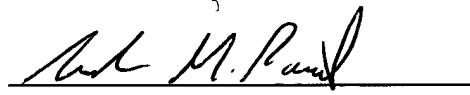
The application is now in condition for allowance, which allowance is respectfully solicited.

If any remaining issues exist, Applicant respectfully requests to be contacted by telephone at (248) 539-5050.

The Commissioner is authorized to charge any fee or credit any overpayment in connection with this communication to our Deposit Account No. 11-1449.

Respectfully submitted,

KOHN & ASSOCIATES, PLLC



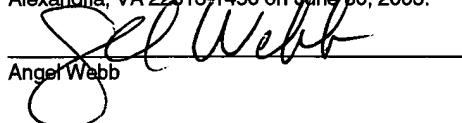
Andrew M. Parial
Registration No. 50,382
30500 Northwestern Highway
Suite 410
Farmington Hills, Michigan 48334
(248) 539-5050

Dated: June 30, 2003

CERTIFICATE OF MAILING

EXPRESS MAIL LABEL: EV338503051US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" addressed to the Mail Stop Fee Response, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on June 30, 2003.


Angel Webb